

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BRET FULLER, #2088645 §
VS. § CIVIL ACTION NO. 6:16cv1301
HENDERSON COUNTY, TEXAS, ET. AL. §

MEMORANDUM OPINION ADOPTING THE REPORT
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Bret Fuller, a former inmate within the Texas Department of Justice proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging purported violations of his constitutional rights. The complaint was referred to the United States Magistrate Judge, the Honorable John D. Love.

On August 24, 2018, Judge Love issued a Report, (Dkt. #34), recommending that Plaintiff's civil rights lawsuit be dismissed, without prejudice, for his failure to prosecute or obey an order. Plaintiff failed to comply with this Court's August 8, 2018, order directing him to submit his current mailing address. A copy of this Report was sent to Plaintiff at the last address provided; return receipt requested. The docket demonstrates that his mail was returned undeliverable, as Plaintiff had been released from confinement, (Dkt. #'s 37, 38). No objections to the Report have been received. The Court notes that Plaintiff still has not provided the Court with his updated mailing address and has not communicated with the Court since October 2017.

Because Plaintiff has failed to file objections to Judge Love's Report, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #34), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that the above-styled civil rights lawsuit is **DISMISSED**, without prejudice, for Plaintiff's failure to prosecute or obey an order of the Court. Further, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

So **ORDERED** and **SIGNED** February 7, 2019.



Ron Clark, Senior District Judge